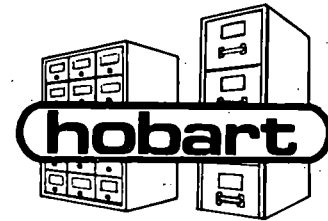


# Hobart Cabinet Company



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301 EAST WATER • P.O. BOX 458 • TROY, OHIO 45373 • 513/335-4666

Jan. 26, 1990

Mr. Joseph A Kawecki  
US Environmental Protection Agency 5HSM/TUB-7  
230 South Dearborn St  
Chicago IL 60604

Dear Sir:

Re: Request for information pursuant to Section 104E  
of CERCLA (and section 3007 of RCRA) for Powell  
Road Landfill

Hobart Cabinet Co has never generated, treated, stored or  
disposed of at or transported any material to the Powell  
Road landfill in Huber Heights, Ohio.

Therefore we are returning the questionnaire as it does  
not apply to Hobart Cabinet Co.

Sincerely,

*Charles Hobart*, Pres.  
HOBART CABINET COMPANY



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

5HSM-TUB-7

JAN 08 1990

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Hobart Cabinet Co.  
301 E. Water  
Troy, OH 45373

Re: request for information pursuant to Section 104(e) of  
CERCLA [and Section 3007 of RCRA,] for Powell Road  
Landfill hereinafter referred to as "the Site"

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the Powell Road landfill in Huber Heights, Ohio. This investigation requires inquiry into the identification, nature, and quantity of materials that have been or are generated, treated, stored, or disposed of at, or transported to, the Site and the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from the Site. U.S. EPA also is seeking information relating to the ability of a person to pay for or to perform a cleanup of the Site.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. Section 9604, as amended, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927, you are hereby requested to respond to the Information Request set forth in Attachment A, attached hereto.

Compliance with the Information Request set forth in Attachment A is mandatory. Failure to respond fully and truthfully to the Information Request within thirty (30) days of receipt of this letter, or adequately to justify such failure to respond, can result in enforcement action by U.S. EPA pursuant to Section 104(e) of CERCLA, as amended, and Section 3008 of RCRA. This statute permits U.S. EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001 or Section 3008(d) of RCRA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq.

Your response to this Information Request should be mailed to:

Mr. Joseph A. Kawecki  
U.S. Environmental Protection Agency, 5HSM/TUB-7  
230 South Dearborn Street  
Chicago, Illinois 60604

Due to the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above. If you have any legal or technical questions relating to this Information Request, you may consult with the EPA prior to the time specified above. Please direct legal questions to Leonardo D. Robinson, Office of Regional Counsel at (312) 886-6830. Technical questions should be directed to Ken Tindall at the above address, or at (312) 886-9895. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Kelley".

John Kelley  
Superfund Program Management Branch

Attachment

Powell Road Landfill

INFORMATION REQUEST

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the number of the Question to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.
4. For each document produced in response to this Information Request indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
5. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, as amended by SARA, 42 U.S.C. Section 9604(e)(7)(E) and (F), Section 3007(b) of RCRA, 42 U.S.C. 6927(b), and 40 C.F.R. 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secrets," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

### Definitions

The following definitions shall apply to the following words as they appear in this Attachment A:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term "person" shall have the same definition as in Section 101(21) of CERCLA: an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, United States Government, State, municipality, commission, political subdivision of a State, or any interstate body.
3. The terms "the Site" or "the facility" shall mean and include the property on or about the Powell Road Landfill site, Huber Heights, Ohio.
4. The term "hazardous substance" shall have the same definitions as that contained in Section 101(14) of CERCLA and includes any mixtures of such hazardous substances with any other substances, including petroleum products.
5. The term "pollutant or contaminant," shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances. Petroleum products mixed with pollutants and contaminants are also included in this definition.
6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
7. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.
8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above and, radio active substances.
9. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
10. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.

11. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
12. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g. corporation, partnership, etc.), organization, if any, and a brief description of its business.
13. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
14. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. Section 9601(22), and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
15. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

16. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
17. The term "arrangement" means every separate contact or other agreement between two or more persons.
18. The terms "transactions" or "transact" mean any sale, transfer, giving, delivery, change in ownership, or change in possession.
19. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.
20. The term "industrial/manufacturing process" shall mean any activity employed to create a marketable product.
21. The term "by-product" shall mean anything produced in the course of making another thing.
22. The term "waste stream" shall mean a damaged, defective, or superfluous material produced by a manufacturing process.
23. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260 - 280, in which case the statutory or regulatory definitions shall apply.
24. The term "property interest" means any interest in property including but not limited to, any ownership interest, including an easement, any interest in the rental of property, any interest in a corporation that owns or rents or owned or rented property, and any interest as either the trustee or beneficiary of a trust that owns or rents, or owned or rented property.
25. The term "assets" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds, and other tangible as well as intangible property.

#### QUESTIONS

1. Identify the person(s) answering these Questions on behalf of Respondent.

2. For each and every Question contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question and provide true and accurate copies of all such documents.
4. List the EPA RCRA Identification Numbers of the Respondent, if any, and identify the corresponding units, facilities or vessels assigned these numbers.
5. Describe the acts or omissions of any persons, other than your employees, agents or those persons with whom you had a contractual relationship, that may have caused the release or threat of release of hazardous substances contained in material you sent to the Site.

In addition:

- a. Describe all precautions that you took against foreseeable acts or omissions of any such third parties and the consequences that could foreseeably result from such acts or omissions.
- b. Describe the care you exercised with respect to the material which may have contained hazardous substances that was sent to the Site.
6. Identify all persons, including Respondent's employees, who have knowledge, information or documents about the generation, use, purchase, treatment, storage, disposal or other handling of materials at or transportation of materials to the Site.
7. Describe all arrangements that Respondent may have or may have had with each persons.
8. For each and every current owner, operator, lessor or lessee of any portion of the Site:
  - a. Identify such person and the nature of their operation at the Site.
  - b. Describe the portion of the Site owned, operated, leased by each such person and state the dates during which each portion was owned, operated or leased.
  - c. Provide copies of all documents evidencing or relating to such ownership, operation or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.



9. Describe the physical characteristics of the Site including but not limited to the following:
  - a. Surface structures (e.g., buildings, tanks, etc.).
  - b. Ground water wells, including drilling logs.
  - c. Past and present storm water drainage system, sanitary sewer system, including septic tank(s) and subsurface disposal field(s).
  - d. Any and all additions, demolitions or changes of any kind to physical structures on, under or about the Site, or to the property itself (e.g., excavation work) and state the dates on which such changes occurred.
10. For each and every prior owner, operator, lessor or lessee of any portion of the Site known to you:
  - a. Identify such person and the nature of their operation at the Site.
  - b. Describe the portion of the Site owned, operated, leased by each such person and state the dates during which each portion was owned, operated or leased.
  - c. Provide copies of all documents evidencing or relating to such ownership, operation or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.
  - d. Provide all evidence that hazardous materials were released or threatened to be released at the Site during the period that they owned the Site.
11. Provide all existing technical or analytical information about the Site, including but not limited to data and documents related to soil, water (ground and surface), geology, geohydrology, or air quality on and about the Site.
12. Do you know or have reason to know of any on-going or planned investigations of the soil, water (ground or surface), geology, hydrogeology or air quality on or about the Site? If so:
  - a. Describe the nature and scope of these investigations;
  - b. Identify the persons who are undertaking or will undertake these investigations;
  - c. Describe the purpose of the investigations;
  - d. State the dates of such investigations;

- e. Describe as precisely as possible the locations at the Site where such investigations are taking or will take place.
13. Identify all persons, including you, who may have given, sold, transferred, delivered, or caused to be delivered any material or item, to the site.

In addition:

- a. State the dates on which each such person may have given, sold, transferred, or delivered such material;
  - b. Describe the materials or items that may have been given sold, transferred, or delivered, including type of material, quantity, chemical content, physical state, quantity by volume and weight, and other characteristics.
  - c. Describe the intended purpose of each sale, transfer, or delivery of materials.
  - d. Describe the source of or process that produced the materials that may have been sold, transferred, or delivered.
  - e. Describe all efforts taken by such persons to determine what would actually be done with the materials that may have been sold, transferred or delivered after such materials had been sold, transferred or delivered.
14. Identify all persons, including you, who may have:
- a. disposed of or treated materials at the Site;
  - b. arranged for the disposal or treatment of materials at the Site; or
  - c. arranged for the transportation of materials to the Site (either directly or through transshipment points) for disposal or treatment. Such persons will hereinafter be referred to as "generators."
15. For each and every instance in which a generator performed any of the actions specified in parts a. - c. of the previous question:
- a. Identify the generator;
  - b. Identify the persons with whom the generator made such arrangements.
  - c. Identify all persons who may have directly or indirectly transported or otherwise brought any materials, (including municipal solid waste,) to the Site.

- d. State every date on which each Generator made such arrangements.
- e. Describe the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous materials involved in each such arrangement.
- f. State whether any of the hazardous materials identified in subpart e. above exhibit any of the characteristics of a hazardous waste or substance identified in 40 CFR Section 261 Subpart C.
- g. State whether any of the hazardous materials identified in subpart e. are listed in 40 CFR Section 261 Subpart D.
- h. State whether any hazardous substances at the Site are RCRA hazardous wastes.
  - 1. Indicate and describe each industrial or manufacturing process employed by you during the period of 1960 through 1984.
  - 2. For each process identified above, describe each and every by-product or waste stream that resulted from employment of that process.
  - 3. For each by-product or waste stream identified in (2) above, explain how each was either re-used or stored for disposal and disposed.
  - 4. For each by-product or waste stream identified as being disposed of above, indicate where the material was taken for disposal and by whom it was hauled to the disposal site.
  - 5. If materials identified in (2) above were hauled to the disposal sites in your vehicles, identify the truck driver.
  - 6. For each process identified in (1) above, indicate the name, social security number, address, and title of the managers responsible for that process.
- i. In general terms, describe the nature and quantity of the non-hazardous materials involved in each such arrangement.
- j. Describe the nature and quantity of any municipal solid waste involved in any such arrangement.
- k. Identify the owner of the hazardous materials involved in each such arrangement.

- l. Describe all tests, analyses, analytical results or manifests concerning each hazardous material involved in such transactions.
  - m. Describe as precisely as possible any and all of the locations at which each hazardous material involved in such transactions actually was disposed or treated.
  - n. Identify the person who selected the location to which the hazardous materials were to be disposed or treated.
  - o. Identify who selected the Site as the location at which hazardous materials were to be disposed or treated.
  - p. State the amount paid in connection with each such arrangement, the method of payment, and the identity of the persons involved in each arrangement.
  - q. Describe where the persons identified in subparts l. and m. of this Question intended to have the hazardous materials involved in each arrangement treated or disposed and all documents or other information (written or oral) evidencing their intent.
  - r. Describe all intermediate sites to which the hazardous materials involved in each arrangement were trans-shipped, or at which they were stored or held, any time prior to final treatment or disposal.
  - s. Describe what was done to the hazardous materials once they were brought to the Site.
  - t. Describe the final disposition of each of the hazardous material involved in each arrangement.
  - u. Describe the measures taken by the generator to determine how and where treatment or disposal of the hazardous materials involved in each arrangement would actually take place.
  - v. Describe type, condition and number of containers in which the hazardous materials were contained when they were disposed, treated, or transported for disposal or treatment and describe any labels, numbers or other markings on the containers.
16. Provide a list of all property and casualty insurance policy (e.g. Comprehensive General Liability, Environmental Impairment Liability and Automobile Liability policies) [and Directors and Officers policies] for the period from 1970 through the present. Specify the insurer, policy, effective dates, and state per occurrence policy limits for each policy. Copies of policies may be provided in lieu of a narrative response.

17. Provide copies of all financial documents, including income tax returns set by you to the federal Internal Revenue Service and [the State IRS] in the last five years.
18. Provide copies of financial statements, reports, or projections prepared by, for or on behalf of the Respondent for the past five years, whether audited or unaudited, including, but not limited to, all those filed with the Securities and Exchange Commission, State agencies, and all financial institutions such as banks.

[FINANCIAL BACKGROUND QUESTIONS FOR ALL CORPORATE PRPS]

1. Identify the parent corporation and all subsidiaries of Respondent.
2. Identify all persons who may be responsible for the liabilities of Respondent arising from or relating to the release or threatened release of hazardous substances at the Site, including but not limited to successors and individuals.
3. Provide a copy of the most current Articles of Incorporation and By-laws of Respondent.
4. Identify the officers, managers and majority shareholders of Respondent and the nature of their management duties and amount of shares held, respectively.

[FINANCIAL BACKGROUND QUESTIONS FOR PARTNERSHIP PRPS]

5. Identify all partners comprising [Name of Partnership] and the nature of their partnership interests.

[FINANCIAL BACKGROUND QUESTIONS FOR TRUST PRPS]

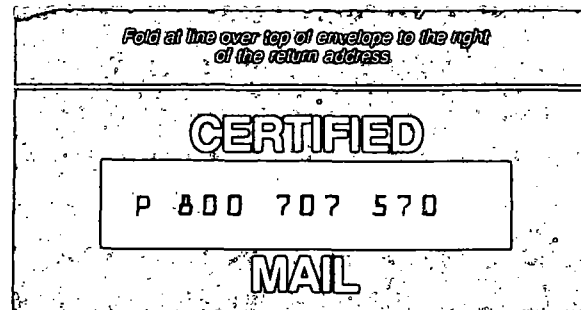
6. Identify all trustees and all beneficiaries of the [Name of Trust].

[CONCLUDING QUESTIONS FOR ALL PRPS]

7. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Questions contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
8. For each and every Question contained herein, if information or documents responsive to this Information Request are not in your possession, custody or control, then identify the persons from whom such information or documents may be obtained.

Hobart Cabinet Co  
301 E Water St  
Troy OH 45373

RETURN RECEIPT  
REQUESTED



Mr. Joseph A. Kawecki  
US Environmental Protection Agency 5HSM/TUB-7  
230 South Dearborn St  
Chicago IL 60604

